



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Status

DOD: 04/17/03	ANNA WINGERT , spouse, was appointed as Executor on 12/13/05.	NEEDS/PROBLEMS/COMMENTS:
	I & A, Final filed 11/09/06 - \$6,000.00	
Cont. from 070914, 080614	Anna Wingert died on 12/14/06.	<u>CONTINUED FROM 07/09/14</u>
Aff.Sub.Wit.	KEVIN WINGERT , son, was appointed successor executor without bond on 05/21/14. Letters were issued on 05/21/14.	1. Need <i>Petition for Termination of Further Proceedings and Discharge of Personal Representative.</i>
Verified		
Inventory		
PTC		
Not.Cred.	Minute Order from hearing on 05/21/14 set this matter for status on 07/09/14.	
Notice of Hrg		
Aff.Mail	Status Report filed 08/18/14 states: on 07/08/14, personal representative attempted to file a <i>Petition for Termination of Further Proceedings and Discharge of Personal Representative</i> , but the probate clerk refused to file the petition without a \$435 filing fee. It is Mr. Rube's understanding that the filing fee is being waived by the Court for petitions filed pursuant to Probate Code § 12251. Since the estate has no assets, the attorney is requesting that the Court waive the filing fee for the <i>Petition for Termination of Further Proceedings and Discharge of Personal Representative</i> .	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: JF
Status Rpt		Reviewed on: 09/12/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 1 – Wingert

3

Arturo Garcia (Estate)

Case No. 09CEPR00271

Atty Knudson, David N. (for Lori Garcia – Administrator/Petitioner)
 Atty Garcia, Audrey (pro per – beneficiary/Objector)
 Atty Vanni, Jill (pro per – beneficiary/Objector)
 Atty Garcia, Mark (pro per – beneficiary/Objector)

**First Amended First and Final Account and Report of Administrator, Report of
 Special Administrator, Petition for Instructions, for Statutory and Extraordinary Fees
 to Administrator and her Attorney, and for Final Distribution**

DOD: 03/26/09		LORI GARCIA , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. The administrator is requesting extraordinary compensation at \$50/hr. The court may require more information as to the appropriateness of this rate. 2. The Accounting lists the payoff of the Wells Fargo Credit Card claim as \$13,600.22 but the creditor's claim lists the amount of the claim as \$13,020.77. Need clarification. 3. Need Order. Note for Objectors: Need proof of service by mail at least 15 days before the hearing of Objection to Amended First and Final Account. It is noted that a proof of service-civil was filed 08/25/14 stating that the document was served on the court, but doesn't list a date of service. Further, service on the court is not necessary. The Objection should be served on the Petitioner and any other interested party.
		Account period: 04/09/09 – 07/31/14	
		Accounting - \$594,303.57	
		Beginning POH - \$243,600.62	
		Ending POH - \$218,502.75	
Cont. from		(all cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Administrator - \$10,277.95 (statutory)	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Administrator x/o - \$6,155.00 (itemized by date - \$4,120.00 related to the Jodean Coakley and Wells Fargo Litigation (82.4 hours @ \$50/hr.), \$1,000.00 for sale of real property (Per Local Rule), and \$1,035.00 related to the Hinds Hospice Litigation (20.7 hours @ \$50.00/hr.)	
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Attorney - \$10,277.95 (statutory)	
<input type="checkbox"/>	Letters	Attorney x/o - \$48,609.00 (itemized by date - \$1,266.00 re Appt. of Special Administrator, \$38,618.00 re Coakley/Wells Fargo litigation, \$2,983.75 re Hinds Hospice Litigation, \$1,003.75 severance of cases, \$6,737.50 sale of residence)	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202	Costs - \$5,151.94 (\$6,151.94 less \$1,000.00 advanced by the beneficiaries for filing fees, certified copies, publication, court reporter fees, document production, subpoena fees)	
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation	Reserve - \$3,000.00	
<input checked="" type="checkbox"/>	FTB Notice		
Continued on Page 2			
Reviewed by: JF			
Reviewed on: 09/12/14			
Updates:			
Recommendation:			
File 3 - Garcia			

Petitioner states that three creditor's claims were filed against the estate:

- | | | |
|---|---|--------------|
| 1. Wells Fargo Card Services | - | \$13,020.77 |
| 2. Wells Fargo Home Equity Line of Credit | - | \$157,072.34 |
| 3. Jodean Coakley | - | \$26,896.77 |

Petitioner states that the estate was involved in litigation between the estate and Jodean Coakley and Wells Fargo Bank. The matter was settled between the parties prior to trial. As part of the settlement agreement, Wells Fargo Home Equity Line of Credit filed a withdrawal of its claim asserting that it was a full satisfaction of all sums due Wells Fargo. However, Petitioner continued to receive notifications from Wells Fargo requesting payment of the credit card claim of \$13,020.77. In response to correspondence from counsel, Wells Fargo responded that despite its language indicating "full satisfaction" and waiver of all sums due, the position of the credit card department is that the claim was not withdrawn, and that the claims are identified by different file numbers. Petitioner requests instructions of the Court that the claim is a valid and existing claim and authorizing payment of same in the amount of **\$13,600.22**.

Distribution, pursuant to intestate succession, is to:

Audrey Garcia	-	\$40,476.90
Jill Vanni	-	\$40,476.90
Mark Garcia	-	\$40,476.90

Objection to First and Final Account and Report of Administrator filed 08/25/14 by beneficiaries Mark Garcia, Jill Vanni, and Audrey Garcia states: They have many concerns that they have expressed to the Administrator and Attorney David Knudson. They specifically object to the extraordinary fees and request that the court consider the following:

1. In 2010 it came to their attention that David Knudson had a conflict of interest in that he had represented Wells Fargo in the past. Objectors state that Mr. Knudson never disclosed this conflict to them. Any extraordinary compensation requested Mr. Knudson with regard to dealings with Wells Fargo should be denied for that fact alone and in addition the estate should be allowed sanctions. This is currently the subject of an investigation by the State Bar of California, case no. 1-414-409.
2. There has been an extraordinary lack of communication by both the Administrator and attorney Knudson to the Objectors as the beneficiaries of the estate. Although requested numerous times, they were never provided with written accountings of the estate or estimates of what the extraordinary compensation that would be requested. Objectors state that they understand that it is not required to provide the beneficiaries with accountings during the administration of the estate, but understands that it is common practice and believes it's the right thing to do.
3. It was their understanding that Wells Fargo filed a satisfaction of its combined claims on 08/12/13, but now Administrator is requesting approval to pay the claim. Objectors request that the matter be reviewed in light of the conflict of interest with Wells Fargo noted above.
4. Objector Audrey Garcia was living in the real property asset of the estate prior to its being sold and during that time she paid the homeowner's insurance from her own funds. Upon the property being sold, Audrey called and cancelled the insurance. She was informed by the insurance company that she would be issued a refund of the overpaid amount. But instead of receiving the refund, the insurance company mailed the check to the administrator of the estate and David Knudson endorsed the check (that was written out to Audrey Garcia and was Audrey Garcia's money) and deposited it into the estate account. This is currently the subject of an investigation by the California State Bar case # 1-414-409.
5. Both the administrator, Lori Garcia and attorney David Knudson, failed to communicate with the beneficiaries during the estate administration, even though the beneficiaries requested information numerous times. Lori was even sanctioned by the court for lack of communication with the court early on in the case and the same behavior continued throughout the administration of the estate.

Objector's request that the Court consider these points and deny the request for extraordinary compensation by both Mr. Knudson and Lori Garcia and order sanctions as the court deems

appropriate.

4 William Gong (Estate)

Case No. 13CEPR00458

Atty Helon, Marvin T., of Helon & Manfredo (for Petitioner Brian L. Gong, Executor)

(1) Report of Executor and (2) Petition for Allowance of Statutory Fees and Reimbursement of Costs, (3) and for Final Distribution on Waiver of Accounting

DOD: 3/6/2013	BRIAN L. GONG , son and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Accounting is waived.	
	I & A — \$403,010.49	
Cont. from	POH — \$323,522.71	
Aff.Sub.Wit.	<i>(\$16,045.71 is cash)</i>	
✓ Verified	Executor — waives	
✓ Inventory		
✓ PTC	Attorney — \$11,060.21	
✓ Not.Cred.	<i>(statutory)</i>	
✓ Notice of Hrg	Costs — \$1,658.58	
✓ Aff.Mail	<i>(filing fee, probate referee, publication, certified copies)</i>	
Aff.Pub.		
Sp.Ntc.	Distribution pursuant to Decedent's Will is to:	
Pers.Serv.		
Conf. Screen	BRIAN L. GONG as Trustee of the WILLIAM GONG TRUST – \$3,326.92 cash and a ½ interest	
Letters 070213	in a 25% interest in a general partnership.	
Duties/Supp		
Objections		
Video Receipt		
CI Report		
✓ 9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
✓ FTB Notice		
		Reviewed by: LEG
		Reviewed on: 9/12/14
		Updates:
		Recommendation: SUBMITTED
		File 4 – Gong

5 Loeffler Family Trust**Case No. 13CEPR00736****Atty Downing, Marcella (for Diane Huerta and Linda Plitt – daughters/Petitioners)****Petition for to Determine the Validity of the Trust Modifying the Trust, Removing Trustees, Appointing Trustees Instructing the Trustee, Compelling Redress of****Breach of Trust, and Preliminary Injunction Prohibition Further Distributions to Mick Loeffler**

		DIANE HUERTA and LINDA PLITT, daughters, are Petitioners.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 08/12/14 Parties were to participate in further mediation. Note: The temporary conservatorship of the person expired on 08/29/13 and was not extended, therefore Petitioners are no longer temporary conservators of the Person. Bruce Bickel is the current acting temporary conservator of the estate for both Dr. and Mrs. Loeffler.
		Petitioners state:	Note: The temporary conservatorship of the person expired on 08/29/13 and was not extended, therefore Petitioners are no longer temporary conservators of the Person. Bruce Bickel is the current acting temporary conservator of the estate for both Dr. and Mrs. Loeffler.
		1. Dr. Fred Otto Loeffler and Kathleen Loeffler are the Trustor's of THE LOEFFLER FAMILY TRUST.	
Cont. from 102213, 120313, 011414, 081214		2. Petitioners were appointed as temporary conservators of the Person of their parents, Dr. Fred Otto Loeffler and Kathleen Loeffler.	Note: The temporary conservatorship of the person expired on 08/29/13 and was not extended, therefore Petitioners are no longer temporary conservators of the Person. Bruce Bickel is the current acting temporary conservator of the estate for both Dr. and Mrs. Loeffler.
<input type="checkbox"/>	Aff.Sub.Wit.	3. Bruce Bickel is the currently acting temporary conservator of the estates of both Dr. Fred Otto Loeffler and Kathleen Loeffler.	
<input type="checkbox"/>	Verified	4. The principal place of administration of the Trust is Fresno County.	1. The Petition does not state the names of the persons entitled to notice of as required Pursuant to Probate Code § 17201. Note: Fred and Kathleen Loeffler were personally served with the Notice of Hearing and a copy of the Petition and several other people were served by mail. The Examiner is unable to determine whether everyone entitled to notice has received notice due to that information not being stated in the petition.
<input type="checkbox"/>	Inventory	5. Petitioners allege that Dr. and Mrs. Loeffler (hereinafter "the Loefflers") lack capacity to resist undue influence and to protect their assets for their own benefit. This case and the conservatorship cases are inextricably linked and Petitioners request that the Court take Judicial Notice of the Conservatorship proceedings and all of the filings in those matters.	
<input type="checkbox"/>	PTC	6. The Loefflers have 4 children, Petitioners, Diane Huerta and Linda Plitt and Samuel Loeffler (hereinafter "Sam") and Michael Loeffler (hereinafter "Mick"). Linda and Diane are also successor trustee and beneficiaries under all of the various trusts which have been created by the Trustors over the years and therefore having standing to bring this action before the Court.	2. Need Order.
<input type="checkbox"/>	Not.Cred.	7. Petitioners believe that many trusts have been made and revised by the Loefflers.	
<input checked="" type="checkbox"/>	Notice of Hrg		Note: Attorney Marcella Downing filed a Notice of Unavailability of Counsel on 08/27/14 stating that she is not available from 09/03/14 – 09/22/14. This was filed after this hearing was already set by the court.
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		Reviewed by: JF
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.	w/	Reviewed on: 09/12/14
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		Updates:
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		Recommendation:
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		File 5 – Loeffler
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Continued on Page 2

8. The first Declaration of Trust was dated 08/01/72 and amended on 05/12/82 and again on 05/21/91. The trust was then restated on 02/04/01. In the restated trust, the successor disability trustees were the spouse, then Diane, then Sam and the successor death trustee were the spouse, then Sam. The 2001 trust was amended in 2003 to replace Sam with Mick as successor disability and death trustee.
9. On 12/21/06, the trust was entirely restated once again. In this restatement, under the disability provisions of the trust, a co-trustee position was established with the non-incapacitated spouse serving with a co-trustee during any period of incapacity by one of the trustors. The succession of those to serve as both successor disability and successor death trustees was Diane, then Mick, then Linda, then Sam. If the remaining spouse was unable to service, the co-trustee would serve alone.
10. Subsequently, another attorney was contacted and yet another trust was created by attorney Kevin Gunner. Mediation was held and pursuant to a mediated agreement, all trustees stepped down and Bruce Bickel, a professional fiduciary, was appointed as trustee of yet another revised trust. The trust created by Kevin Gunner was titled "The Second Amendment and Full Restatement of the Loeffler Family Trust dated 08/01/72" was signed October 18, 2011.
11. Finally, yet another trust amendment entitled "The First Amendment to the Second Amendment and Full Restatement of the Loeffler Family Trust" was signed on 03/01/12.
12. On 05/15/12, Bruce Bickel stepped down as trustee of the trust at the request of Mrs. Loeffler who admitted to him that she did not want him to step down but was asking him step down at her son, Mick's insistence. **Background Leading to Current Claims for Relief:**
 1. On or about March 2008, Mick was evicted from the home he shared with his girlfriend and moved into the Loeffler's home purportedly to stay for a short time until he could procure employment allowing him to move out of the Loeffler's home.
 2. In approximately July 2011, Dr. Loeffler fell and required in-home care. Mick reduced the caregiver hours to the point of being useless and insisted Dr. Loeffler rely solely on Mick, further isolating the couple. With Dr. Loeffler unable to assist himself, much less others, this left Mrs. Loeffler to rely solely on Mick. When asked if they could help, the other three children were told she "didn't think it was a good idea". Towards the end of July 2011, Dr. Loeffler was moved to a skilled nursing home by Diane Huerta to protect him from Mick's unpredictable verbal tirades and to provide the necessary care that was not being provided at home.
 3. In approximately October 2011, Mick had all of the locks changed on their parents' home and refused to give any copies of the keys to any of the other children. Prior to this time, all of the children had been free to come and go in their parents' home.
 4. From this point on, Dr. and Mrs. Loeffler were in an atmosphere which best could be described as a siege. When the other children were admitted to the home, they witnessed significant verbal abuse, hording, and evidence of substantial use of pain killers by Mick Loeffler. Dr. and Mrs. Loeffler were subjected to ongoing rants replete with obscenities, were taken from professional to professional in an attempt to persuade Dr. and Mrs. Loeffler to change their estate plan, ultimately giving Mick Loeffler complete control over their funds, healthcare and changing the Testator's ultimate gifting plan during life and after death.
 5. Knowing Mick had a history of violent behavior and a previous domestic abuse restraining order had been filed against him, the other children were concerned any action to protect their parents might result in harm to their parents or themselves. Hence, they chose to mediate what had, at this point, become seen to be a crisis. This resulted in the drafting of yet another trust.

Continued on Page 3

6. In February 2012, Mrs. Loeffler chose to move out of the home to an independent living apartment adjoining Dr. Loeffler's skilled nursing placement.
7. This did not end Mick's ongoing attempts to control his parents. Mick attempted to convince the facility he was the only one to make decisions for Dr. and Mrs. Loeffler's healthcare decisions, when in fact, Diane, held the power of attorney for healthcare.
8. Mick also went from attorney to attorney attempting to get the healthcare power of attorney, durable power of attorney, and the trust changed to put him in control of each instrument.
9. In the meantime, Mick was living rent free in the Loeffler's home and convinced Mrs. Loeffler she could only rely on him (Mick) for food, transportation, advice, safety, etc. and that all of the other family members, friends, advisors, etc. were not to be trusted.
10. Although mediation was attempted and although there appeared to be an agreement, the last amendment represents evidence that the mediation has failed and of further undue influence exerted on the Loefflers.

First Claim for Relief – Determining the Validity of the Trust or Modifying the Trust

1. Petitioners request the Court find that with the establishment of the conservatorships of the Loefflers, any Durable Power of Attorney which may exist is now void and there is to be no amendment or modification of the trust without prior court approval.
2. In the alternative, Petitioners request to modify Article II(B)(2) of the Trust to state, upon the finding that the Trustor lacks capacity, Article II(B)(2) is void. Petitioner submit that it is reasonably necessary for the protection of the interests of the trustee or beneficiary to insure no additional revisions are made to this trust and the trust assets are protected removing the possibility the trust might be revised to allow gifting of trust assets prior to the death of both Trustors. As indicated in this Petition, there have been an extraordinary number of changes to this trust and it is reasonable to believe that at least the last two revisions were more likely than not made as a result of the exertion of undue influence on the Trustors by Mick Loeffler.

Second Claim for Relief – Removing Trustees

1. Article II(E) of the Trust entitled Successor Trustee, provides in relevant part: "Upon the death, resignation, removal or inability to act of Bruce D. Bickel, then in such event, Fred O. Loeffler and Kathleen Loeffler shall become Co-Trustees of said trust. Upon the death, resignation, removal or inability to act of Fred O. Loeffler or Kathleen D. Loeffler, then in such event, the remaining individual shall become sole trustee hereunder. Upon the death, resignation, removal or inability to act of Fred O. Loeffler and Kathleen D. Loeffler, then in such event, a Professional Licensed Fiduciary, to be appointed by Trustors' son, Mick G. Loeffler, shall serve in this capacity. In the event Mick G. Loeffler is unable or unwilling to appoint a professional licensed fiduciary to serve in this capacity, then in such event, the adult children of Trustors, by majority vote, shall so select a professional licensed fiduciary to serve in this capacity."
2. Petitioners request that the Court remove Fred O. Loeffler and Kathleen D. Loeffler as trustees as they are no longer able to serve in that capacity as they are now conserved under a temporary conservatorship. Petitioners believe both of them lack capacity to act in their own best interest and are subject to undue influence. **Examiners Note: The temporary conservatorship of the Person of both Fred and Kathleen expired on 08/29/13. Bruce Bickel was re-appointed as temporary conservator of the estate of both Fred and Kathleen on 09/25/13 and is the currently acting temporary conservator of the estate.**
3. Petitioners also ask that Mick Loeffler be removed from any position in which he may choose a professional fiduciary or to act as trustee or personal representative. Mick has demonstrated a history of abusing any power left in his hands and it is in the interest of Dr. and Mrs. Loeffler for their estate plan to remain unchanged and to have a professional fiduciary named without Mick's attempt to control that process to his benefit.

Continued on Page 4

Third Claim for Relief – Appointing Trustees

1. With the removal of the Loefflers as trustees, a trustee will be required and will need to be appointed in order to appoint a professional fiduciary to act as the Trustee of the Trust. Given the indications of undue influence exerted on the prior trustees, Court supervision is needed to protect the trust assets and those serving as trustees or conservators.
2. Petitioners request the Court appoint both of them in conjunction with Samuel Loeffler, Dr. and Mrs. Loeffler's remaining children, to fulfill the successor trustee provision to appoint a professional fiduciary to administer the trust as provided under Article II(E) and designate that the professional fiduciary named will also serve as conservator of the estate should one be appointed.

Fourth Claim for Relief – Instructing the Trustee and Compelling Redress of a Breach of Trust

1. Petitioners request the Court to either compel or instruct the trustee as allowed under Probate Code § 12700(b)(6) to hire a forensic accountant to audit the trust along with prior trusts and provide an accounting of the trust assets beginning January 1, 2008 to the present.
2. Petitioners assert trust funds have been diverted, gifted against the terms of the trust, and/or simply squandered. Mick Loeffler lives in the family home rent free and it is believed is paid for services either unrendered or overcharged. Petitioners believe and are prepared to show that social security checks which have previously been deposited directly into an account believed to be in the trust name are no longer being deposited to that account or any account they are aware of in the name of the Trust or the Trustors, individually.
3. Petitioners request that the court direct the trustee that upon any finding by the forensic accountant indicating funds have not been used for the benefit of the Trustors, the trustee be compelled to redress the breach, that the Court maintain jurisdiction over this case and case numbers 13CEPR00655 and 13CEPR00656, and that the Court maintain oversight of the administration of the trust.

Preliminary Injunction Prohibiting Further Disbursements to Mick Loeffler

1. Petitioners request that any person acting as trustee of the Trust or as the personal representative of Dr. and Mrs. Loeffler be enjoined from distributing any assets held in Trust to Mick Loeffler without further Court order.

Petitioners pray for an Order:

1. That the Court determine the validity of Article II(B)(2) of the Trust. Petitioners request the court find that with the establishment of the conservatorships any Durable General Power of Attorney which may exist is now void, and there is to be no amendment or modification of the trust without prior court approval, or in the alternative, that Article II(B)(2) be modified to state, upon the finding that either Trustor lacks capacity, Article II(B)(2) is void and the Trust may no longer be modified without prior court approval;
2. That the Court remove Fred O. Loeffler and Kathleen Loeffler and Mick Loeffler as Trustees of the Trust, remove Mick Loeffler from any position in which he may choose a professional fiduciary or to act as trustee or personal representative;
3. That the Court appoint Petitioners in conjunction with Samuel Loeffler to choose a professional fiduciary to act as the successor trustee of the trust as provide by the Trust;
4. That the Court designate that any trustee of the Trust which is appointed will also be named as the Conservator of the Estate if one is needed;
5. That the Court compel or instruct the trustee to hire a forensic accountant to audit the trust along with prior trusts and provide an accounting of the trust assets beginning with 01/01/08 to the present;
6. That the Court direct the trustee that upon any finding by the forensic accountant or any other party indicating funds have not been used for the benefit of the Trustors, the trustee be compelled to redress the breach;
7. That the Court maintain jurisdiction over this case and case numbers 13CEPR00655 and 13CEPR00656;
8. That the Court maintains oversight of the administration of the Trust; and
9. That the Court issue a preliminary injunction enjoining any person acting as trustee of the Trust or as the personal representative of Dr. and Mrs. Loeffler from distribution any assets held in the Trust to Mick Loeffler without further order of this Court.

DOD: 8-11-13	KENNETH MEME was appointed as Executor with Full IAEA without bond and Letters issued on 3-25-14.	NEEDS/PROBLEMS/COMMENTS:
Cont from 082914	At the hearing on 3-25-14, the Court set this status hearing for the filing of the Inventory and Appraisal pursuant to Probate Code §8800.	<u>Minute Order 8-29-14:</u> Mr. Wade informs the Court he will be filing the Inventory and Appraisal soon. The Court informs him to also file a status report.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		<u>As of 9-12-14, nothing further has been filed.</u>
		1. Need Inventory and Appraisal or verified written status report pursuant to local rule.
		Reviewed by: skc
		Reviewed on: 9-12-14
		Updates:
		Recommendation:
		File 6 - Meme

Henry and Margaret Boyajian (Trust)

Case No. 14CEPR00145

Atty Pruet, Barry W. (of Grass Valley, for Phyllis Branche – Petitioner)
 Atty Camenson, David M. (for Margaret Courtis – Objector)
 Atty Burnside, Leigh W (for Jeffrey L. Boyajian – Trustee)

**Petition to Appoint Successor Trustee of Bypass Trust and Grandchildren's Trust
 and for Instructions, Probate Status Hearing Re: New Petition**

Henry Boyajian DOD: 10-18-01	PHYLLIS BRANCHE, daughter of Henry and Margaret Boyajian (trustors) and beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 7-16-14:</u> Counsel reports that the matter was settled last night at mediation. Matter continued to 8-13-14 as a placeholder only. <u>Status Report filed 8-7-14 by Attorney Burnside states</u> the draft petition for settlement, appointment of a successor trustee, and modification of the trusts is expected to be filed by the end of August. <u>Minute Order 8-13-14:</u> Attorney Burnside reports that a new petition will be filed. <u>As of 9-12-14, nothing further has been filed.</u> 1. Petitioner states the principal place of administration is Fresno County; however, the Successor Trustee, Jeffrey Boyajian, appears to reside in San Leandro, CA, which is Alameda County. Therefore, need clarification re Fresno as proper venue with reference to Probate Code §17005. 2. Petitioner states the names and addresses of the beneficiaries or trustees; however, Petitioner does not state that these are all of the persons <u>entitled to notice</u> pursuant to Probate Code §§ 17201, 17203, 851. The Court may require a verified declaration that this list contains all of the persons <u>entitled to notice</u> . 3. Need copies of trust and amendments. Petitioner states copies of the relevant documents are attached; however, there is nothing attached to the petition. <u>Note:</u> Respondent Jeffrey Boyajian provided a copy of the Third Amendment only. 4. Petitioner requests appointment of herself and Margaret Courtis as co-successor trustees of the Bypass Trust. Need consent of Margaret Courtis.	
Margaret Boyajian DOD: 10-29-13			
Cont: 041014, 071614, 081314	<p>Petitioner states Henry and Margaret Boyajian established the trust on 4-9-97 and amended and restated the trust on 9-23-99. After Henry's death on 10-18-01, Margaret became the sole trustee and pursuant to the trust created and funded the Survivor's Trust with the surviving trustor's share of the community property and a portion of the deceased trustor's share equal to the minimum necessary to eliminate estate taxes (the marital deduction amount) and the Bypass Trust with the remaining trust property. The Survivor's Trust was then amendable; however, the Bypass trust was irrevocable. After the death of the surviving trustor, the assets of the Survivor's Trust were to be added to the Bypass Trust and distributed as follows:</p> <ol style="list-style-type: none"> 1) Real property on Nebraska Avenue in Selma to Jeffrey Boyajian; 2) \$400,000 in securities or cash to Petitioner in trust for each of the three grandchildren, Andrew Boyajian Branch, Cody Branche Boyajian, and Alan Boyajian Branche, pursuant to a specified formula; and 3) The remainder to Petitioner and Margaret Courtis in equal shares. <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>		
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail			W
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			W
Conf. Screen			
Letters			
Duties/Supp			
✓ Objections			
Video Receipt			
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FTB Notice			
Reviewed by: skc			
Reviewed on: 9-12-14			
Updates:			
Recommendation:			
File 7 – Boyajian			

Page 2

Petitioner states on 12-21-07, the Surviving Trustor amended the Restatement as to the Survivor's Trust (the First Amendment). On 8-18-07, the Surviving Trustor again amended the Survivor's Trust (the Second Amendment), which Second Amendment revoked the First Amendment, and also:

- Confirmed the specific bequest of real property to Jeffrey Boyajian;
- Concedes that the \$400,000 specific bequest by the Trustors jointly to the grandchildren is irrevocable; and
- Contrary to the dictates of the trust regarding final distribution and regarding the trustee, and despite conceding the irrevocability of the specific bequests to the grandchildren, Surviving Trustor purports to modify the specific bequests by
 - 1) replacing Petitioner as trustee for the grandchildren with a committee comprised of Petitioner, Margaret Courtis, and Jeffrey Boyajian, and
 - 2) modifying the specified formula for distributions;
- Contrary to the dictates of the trust and despite conceding the irrevocability of the provisions of the restatement, Surviving Trustor purports to revoke the distribution of the remainder of the trust to Petitioner and Margaret Courtis by instead giving them a specific bequest of \$1 million each, with the remainder to Jeffrey Boyajian;
- Surviving Trustor purports to state that the provisions of the Second Amendment control over any conflicts between the language of the Restatement and the Second Amendment.

Petitioner states on 6-25-10, and contrary to the dictates of the trust regarding successor trustees of the Bypass Trust, Surviving Trustor executed a Third Amendment that purports to revoke the nomination of Petitioner and Margaret Courtis as successor co-trustees of the Bypass Trust and replace them with Jeffrey Boyajian.

The Surviving Trustor passed away on 10-29-13 and since her death, Jeffrey Boyajian has been acting as the successor trustee of the Survivor's Trust and the Bypass Trust.

Based on the many inconsistencies among the language of the Restatement and the Second and Third Amendments, Petitioner requests instructions from this Court as follows:

Petitioner states the Surviving Trustor clearly had no authority to modify the provisions of the Restatement as to the successor trustee of the Bypass Trust. As such, Petitioner requests that Jeffrey Boyajian be removed as successor trustee and that Petitioner and Margaret Courtis be appointed as successor co-trustees of the Bypass Trust.

There exists a conflict between the Restatement and the Second Amendment as to the final disposition of the trust corpus. Petitioner states the Deceased Trustor's intent was clear that Jeffrey Boyajian receive the property, the grandchildren receive \$400,000 each, and Petitioner and Margaret Courtis share the remainder. It is Petitioner's position that while the Surviving Trustor had the authority to amend the Survivor's trust, she breached the Restatement and did not have the power to modify the dispositive provisions as to the Deceased Trustor's share of the community property, which became his separate property pursuant to Probate Code § 100 by reason of his death. Petitioner states that because the Surviving Trustor concedes that the \$400,000 specific bequest is irrevocable, such irrevocability must also apply to the dispositive provision of such specific bequests.

As such, Petitioner requests that this Court order that Jeffrey Boyajian, as successor trustee of the Survivor's Trust, to return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the Bypass Trust.

SEE ADDITIONAL PAGES

Page 3

Because the \$400,000 for each of the grandchildren is to be held in trust, the Second Amendment is contrary to the Restatement in wrongfully modifying the trustee of the grandchildren's trusts. While the Surviving Trustor had the ability to modify the Survivor's Trust, she did not have the power or right to modify the dispositive provisions of the Deceased Trustor's share of the community property, including naming the trustee of the grandchildren's trusts. Petitioner again points to the concession that the \$400,000 bequests are irrevocable, and as such, the irrevocability must apply to the appointment of the trustee. Therefore, Petitioner requests that she be appointed as trustee of the grandchildren's trust and to distribute pursuant to the Restatement.

Petitioner prays for an order as follows:

- 1. Finding that all facts stated in the petition are true and all notices required by law have been duly given;**
- 2. Removing Jeffrey L. Boyajian as successor trustee of the Bypass Trust and appointing Petitioner and Margaret Courtis as successor trustees of the Bypass Trust;**
- 3. That Jeffrey L. Boyajian as successor trustee of the Survivor's Trust return to the Bypass Trust an amount equal to the Deceased Trustor's share of the community property as of his date of death to be distributed pursuant to the dictates of the Bypass Trust;**
- 4. That Petitioner be appointed as trustee of the Grandchildren's trust; and**
- 5. For such other orders as the Court considers proper.**

Maggie Courtis' Objection states the amendments are valid and Jeffrey Boyajian is the proper successor trustee of the Bypass Trust and the grandchildren's trusts. The amendments were made with the assistance of legal counsel (Attorney Jeff Wall). The purpose of the amendment was to create a "zero tolerance" threshold for recipients of the grandchildren's gifts to ensure that the recipients have not engaged in substance abuse for at least three years. The Third Amendment appointing Jeffrey Boyajian as successor trustee of both trusts was also made with the assistance of Jeff Wall as counsel, and Jeffrey Boyajian has been serving as such since 10-29-13.

Objector states the Bypass Trust was funded with the Selma Property and about \$656,000 of securities. The specific gift of the property to Jeffrey Boyajian is not at issue. Therefore, the assets of the Bypass Trust are insufficient to gift \$400,000 to each of the three other grandchildren. Plain and simple, Petitioner is attempting to obtain more money than the amendments provide. The money would come from the Survivor's Trust, which is agreed to be amendable/revocable. Margaret Boyajian only amended the Survivor's Trust. Her intent is clear and should not be frustrated. Applying Petitioner's reasoning to the interpretation of the amendments would completely dismiss Margaret Boyajian's intent with respect to the distribution, which is that the balance of the \$400,000 each is subject to the condition of being drug-free, something that Petitioner (their mother) does not deem an appropriate restriction.

No-contest clause: Objector states that if a beneficiary under the Restated Trust shall contest in court the validity or seek adjudication that the Restated Trust or any of its provisions is void or set aside any provisions, then the right of that person shall be determined as if predeceased without leaving issue. Petitioner is seeking to void or set aside the provisions of the Restated Trust as set forth in its amendments; therefore, her right is to be eliminated.

Objector prays for an order that:

- 1. The Restated Trust amendments are valid with respect to Trust A (Survivor's Trust) assets;**
- 2. Only Trust B (Bypass Trust) assets are subject to the irrevocability language of the Restated Trust;**
- 3. Trust B assets consisted only of the Selma Property and 94,406 shares of the Franklin Fund Securities at the death of Margaret Boyajian;**
- 4. Jeffrey Boyajian is the proper successor trustee of all trusts created under the Restated Trust;**
- 5. Petitioner has invoked the "No Contest" provisions of the Restated Trust with the filing of this petition and there is no longer a proper beneficiary of the trusts established pursuant to the Restated Trust.**

SEE ADDITIONAL PAGES

Dept. 303, 9:00 a.m. Wednesday, September 17, 2014

Jeffrey Boyajian's Response states Petitioner is seeking instructions regarding who is the proper trustee of the trust shares to be established for her three adult sons. Respondent understood that he had been appointed to serve with Margaret Boyajian as co-trustee and as sole successor trustee pursuant to the Third Amendment (attached). Respondent is uncertain whether the First and Second Amendments validly nominated him as successor trustee of the Bypass Trust; however, is informed and believes that the Bypass Trust was not subject to amendment. As noted; however, pursuant to the Third Amendment, he was nominated and served with Margaret Boyajian as co-trustee.

Respondent states that in the Second Amendment, Margaret Boyajian stated her understanding of the irrevocability of the Bypass Trust, but further stated her intent to modify the dispositive provisions of the Survivor's Trust as to her grandchildren Andrew, Cody, and Alan. It is unclear whether the \$400,000 gift to each of them applied only in the event of the combination of the Survivor's Trust with the Bypass Trust, or if the trusts were not combined, to what extent, if any, would that affect the amount of the bequests/distributions to be made to them.

Mrs. Boyajian was concerned about her grandchildren's ability to responsibly manage their inheritance and instructed her attorney to prepare amendment directing a committee to consider distributions. In doing so, she attempted to modify the formula, which changes pertain to the Survivor's Trust. It is unclear if the \$400,000 gift to each of the three grandchildren applied only in the event assets were combined, etc.

Mrs. Boyajian had the authority to amend the Survivor's Trust such that both Petitioner and Margaret Courtis could potentially receive no assets from the Survivor's Trust if they received from other sources, including, but not limited to the Bypass Trust, life insurance proceeds, or other assets) the sum of \$500,000 each.

Mrs. Boyajian had the authority to amend the Survivor's Trust to name Respondent as beneficiary of said sub-trust.

Mrs. Boyajian intended the provisions of the Second Amendment to apply to the Survivor's Trust and desired to appoint Respondent with her as co-trustee, as she was in need of assistance at that time. Respondent has been administering the assets of the trust as he understood it was his responsibility to marshal and administer the assets for all beneficiaries.

Respondent states instructions would be appropriate as to the administration and disposition of the trust. Petitioner and Margaret Courtis are nominated as successor co-trustees; however, instructions are needed as to whether Mrs. Boyajian had authority to change the nomination with the Amendments.

Respondent states he does not know whether he is required under the Second Amendment to combine the assets of the Survivor's Trust with those of the Bypass Trust prior to final distribution, particularly if the funding of the Survivor's Trust was conducted in accordance with the terms of the Restated Trust and with regard to the amendments. If not combined, to what extent is the amount of the bequests to the grandchildren (\$400,000 each) affected?

Respondent agrees that instructions are needed regarding the application of the Second and Third amendments and their scope and effect on beneficiaries.

Respondent therefore requests that this matter be set for evidentiary hearing to consider all evidence and make any and all further orders the Court may deem just and proper.

Petitioner filed a Response to Ms. Courtis' Objection of on 4-10-14 and requests that the petition be approved as prayed. See Response for details.

Petition to Determine the Validity of the Eighth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement

Stanley Murray DOD: 3-6-09	<p>ROBYN ESRAELIAN, Successor Trustee, is Petitioner.</p> <p>Petitioner states Stanley and Margaret Murray, husband and wife as Trustors, established the Murray 1996 Revocable Trust Agreement on 7-30-96 (the Trust). Stanley and Margaret amended and restated the terms of the trust on four occasions prior to 12-3-98.</p> <p>On 12-3-98, Stanley and Margaret again amended and restated the Trust in its entirety with their execution of a document entitled Fifth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (5th Amended Trust).</p> <p>Stanley died on 3-6-09 and Margaret executed an Affidavit – Death of Trustee on 3-29-09, recorded on 4-6-09. As a result of Stanley's death, Margaret became the sole acting Trustee of the Trust.</p> <p>On 9-16-11, Margaret, as sole surviving Trustor, amended the trust in its entirety and restated the Trust with her execution of a document entitled Sixth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (6th Amended Trust).</p> <p>On 10-19-12, Margaret, as sole surviving Trustor, again amended the trust in its entirety and restated the Trust with her execution of a document entitled Seventh Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (7th Amended Trust).</p> <p>And on 9-19-13, Margaret, as sole surviving Trustor, again amended the trust in its entirety and restated the Trust with her execution of a document entitled Eighth Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement (8th Amended Trust).</p> <p>Margaret died on 2-7-14, and Petitioner, as Successor Trustee, sent notification pursuant to §16061.7 and a copy of the 8th Amended Trust to all beneficiaries. The Trust is now irrevocable.</p> <p align="center">SEE ADDITIONAL PAGES</p>	NEEDS/PROBLEMS/COMMENTS: Continued from 6-18-14, 8-13-14 Also set for status hearing. See Page B.
Margaret Murray DOD: 2-7-14		
Cont. from 061814, 081314		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail		W
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
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<div> <div>Reviewed by: skc</div> <div>Reviewed on: 9-12-14</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 8A - Murray</div> </div>		

Page 2

Petitioner states DANIEL ANDREW MURRAY, a child of Stanley, was a remainder beneficiary of the Trust under the 5th Amended Trust; however, under the 6th, 7th, and 8th Amended Trusts, he is essentially disinherited. In a letter dated 3-20-14, counsel for Daniel contends that the trust can only be amended by written agreement signed by both trustors, and that since the 8th amendment was not signed by Margaret only, after Stanley's death, it is invalid.

Daniel contends that the 5th Amended Trust, as the last instrument signed by both Stanley and Margaret, is valid and that he is entitled to a distribution pursuant to the 5th Amended Trust.

Petitioner contends that the 8th Amended Trust is valid and that upon termination, the net distributable residuary estate should be distributed pursuant to the 8th Amended Trust.

Petitioner prays for an order declaring that the 8th Amended Trust is valid and directing her, as Successor Trustee of The Murray 1996 Revocable Trust to distribute the residuary trust estate pursuant to Article Five, Paragraph B3 of the 8th Amended Trust.

Daniel Murray filed an Objection on 6-12-14. Objector states:

Stanley had three (3) children before his marriage to Margaret: Daniel Andrew Murray (Objector), Morgan Steven Murray, and Phillip Stanley Murray. Margaret had two children before her marriage to Stanley: Eugenia Kay Stott, and Wayne Stott (predeceased, no issue).

At the time Stanley and Margaret married, Stanley had a large real property ranch that was his separate property. That ranch was sold prior to his death, and made up the majority of trust assets.

Objector states that he, his two siblings, and Margaret's daughter were always the equal beneficiaries of the Trust while Stanley was alive. After Stanley's death, for no reason known or disclosed to Objector, Margaret by herself and against Stanley's written wishes decided to remove Objector as a beneficiary and augment her own daughter's share through subsequent amended trusts.

Objector contends that not only are the subsequent amended trusts signed after Stanley's death invalid per the terms of the 5th Amended Trust, but also that Stanley would never have agreed to the subsequent amended trusts signed by Margaret after his death.

Pursuant to the language in Article Seven of the 5th Amended Trust: the "Trustors may at any time **during their lifetime** amend any terms of this trust by written instrument **signed by the Trustors** and delivered to the Trustee." The

Trust could only be amended during both Stanley and Margaret's lifetime with a written instrument signed by both of them. The language absolutely does not allow one Trustor to amend the Trust after the death of the other.

If the Trustors wanted to allow the surviving Trustor to amend the 5th Amended Trust, then Article Seven would have said something to the effect of "during the lifetime of either Trustor" (See *In Re Estate of Powell* (2000) 83 CA4th 1434).

Since the 6th Amended Trust is only signed by Margaret, it is invalid.

SEE ADDITIONAL PAGES

Objector states if the 8th Amended Trust is found valid it only changes the distributive provisions for Margaret's portion of the trust estate contributed by her, and pursuant to Probate Code §15401(b)(1) and *In Re Estate of Powell* (2000) 83 CA4th 1434, Stanley's trust estate contribution should be distributed pursuant to the 5th Amended Trust.

Objector prays for an order as follows:

- 1) Denying the Petition to Determine Validity of the 8th Amended Trust in its entirety;**
- 2) Declaring that the 5th Amended Trust is valid;**
- 3) Directing Petitioner as Successor Trustee of the Murray 1996 Revocable Trust to distribute the trust estate pursuant to Article Six of the Fifth Amended Trust; and**
- 4) For such other orders as the Court may deem proper.**

8B The Murray 1996 Rev. Trust Agreement dated 7/30/96 Case No. 14CEPR00402
Atty Rube, Melvin K. (for Successor Trustee Robyn Esraelian)
Atty Horton, Lisa (for Objector Daniel Murray)
Status Hearing

		<p>ROBYN ESRAELIAN, Successor Trustee, filed a petition on 5-2-14 to determine the validity of the 8th Amended and Complete Restatement of the Murray 1996 Revocable Trust Agreement.</p> <p>DANIEL MURRAY filed an Objection on 6-12-14.</p> <p>See Page A for details.</p> <p>On 6-18-14, the Court continued the matter to 8-13-14 and also set this separate status hearing.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont from 081314			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9-12-14
			Updates:
			Recommendation:
			File 6B – Murray

8B

Atty Shepard, Jeff S. (for Eiko li – Petitioner – Spouse)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 08/31/2013		<p>EIKO II, spouse is petitioner and requests appointment as Administrator without bond.</p> <p>All heirs waive bond</p> <p>Full IAEA – o.k.</p> <p>Decedent died intestate</p> <p>Residence: Fowler Publication: The Business Journal</p> <p>Estimated value of the Estate: Real property - \$300,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petition indicates decedent's residence at the time of death was Fowler, California, therefore the correct publication should be The Fowler Ensign. Petitioner published in The Business Journal.</p> <p>Note: Declaration Re Publication of Notice filed 09/02/2014 states the Notice of The Petition to Administer Estate of Haruo K. li, was published in the Business Journal; the decedent's residence was in rural Fowler. The Fowler Ensign is a weekly publication. Attorney Shepard chose the Business Journal, which is published daily, for the notice of publication. Attorney Shepard believes that the publication of the Business Journal was in the best interest of the client and the heirs of the estate.</p> <p>Note: If the petition is granted status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Wednesday, 01/21/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 11/18/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from 080614, 082714			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
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Reviewed by: LV			
Reviewed on: 09/12/2014			
Updates:			
Recommendation:			
File 9 – li			

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 7-28-14		PUBLIC ADMINISTRATOR is Petitioner and requests appointment as Administrator with Full IAEA without bond. Full IAEA – ok Decedent died intestate Residence: Clovis Publication: Fresno Business Journal Estimated value of estate: Real property: \$175,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: Note: Petitioner states there are no known relatives to give notice to. Note: If the petition is granted status hearings will be set as follows: • Wednesday, 01/07/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 09/09/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 9-12-14	
		Updates:	
		Recommendation: SUBMITTED	
		File 11 - Urabe	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 6-19-14		JOHN J. NELSON , Cousin and named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – ok	Note: If the petition is granted status hearings will be set as follows:
		Will dated 5-28-14	
<input type="checkbox"/>	Aff.Sub.Wit.	s/p	<ul style="list-style-type: none"> • Wednesday, 01/07/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Wednesday, 09/09/2015 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		Reviewed by: skc Reviewed on: 9-12-14 Updates: Recommendation: SUBMITTED File 12 - Davis
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/o	
<input checked="" type="checkbox"/>	Aff.Pub.		
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<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	Status Rpt		
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<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

13 William Shiba (Estate)

Case No. 13CEPR00152

Atty Molsenbocker, Gary L. (for William Martin (Marty) Shiba – Executor)

Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

DOD: 07/04/12	WILLIAM MARTIN (MARTY) SHIBA , son, was appointed Executor with full IAEA and without bond on 03/28/13. Letters Testamentary were issued on 03/29/13. Inventory & Appraisal, final filed 07/15/13 - \$68,775.68 Status Report filed 07/28/14 states: The office is currently in the process of preparing the petition and first account current in this matter. There is a Medi- Cal claim filed against the estate as well as a trust for this estate that is also considered in the estate plan. The executor and his attorney are currently in the process of completing negotiations and settlement of a dispute regarding the Medi-Cal claim. It is requested that this status hearing be continued for 45 days to allow time for the executor and his attorney to complete negotiations on the claim and to file the first account and report reflecting said negotiation and settlement.	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 07/30/14 1. Need First Account/Report of Executor and Petition for Final Distribution <u>and/or</u> current written status report.
Cont. from 053014, 063014, 073014		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
Reviewed by: JF		
Reviewed on: 09/12/14		
Updates:		
Recommendation:		
File 13 - Shiba		

Atty Kruthers, Heather H., of County Counsel's Office (for Public Administrator, Successor Trustee)

Status Hearing Re: Filing of the Final Account by the Successor Trustee

DOD: 3/12/2010	PUBLIC ADMINISTRATOR was court-appointed Successor Trustee of the JOHN R. PANZAK LIVING TRUST by <i>Minute Order</i> dated 4/29/2013.	NEEDS/PROBLEMS/COMMENTS:
		1. Need final account or verified status report.
Cont. from		Notes Re Related Estate of John R. Panzak, Sr., Case #10CEPR00505:
Aff.Sub.Wit.	<i>Minute Order</i> dated 7/9/2014 from the last status hearing set this Status Hearing on 9/17/2014 for the filing of the final account by the successor trustee.	<ul style="list-style-type: none"> The Panzak, Sr. Estate is a related matter in which the PUBLIC ADMINISTRATOR was appointed Administrator of the Estate by <i>Minute Order</i> dated 4/29/2013. <i>Order Settling First and Final Account and Report of Deceased Personal Representative</i> was filed on 3/13/2014 in the Panzak, Sr. Estate, representing the final account of the deceased personal representative, JOHN R. PANZAK, JR. (DOD 2/15/2013.) Panzak, Sr. Estate is currently pending closure by the PUBLIC ADMINISTRATOR.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202 Order		
Aff. Posting		Reviewed by: LEG
Status Rpt		Reviewed on: 9/11/14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 14 – Panzak Living Trust

Probate Status Hearing Re: Failure to File a First Account or Petition for Final Distribution

DOD: 1-20-06	SONYA J. MAYO , Daughter, was appointed as Executor with Full IAEA without bond and Letters issued on 6-21-06.	NEEDS/PROBLEMS/COMMENTS:
		Minute Order 3-14-14: Examiner Notes are provided to Ms. Mayo. Continued to 7-25-14.
Cont. from 031414, 072514	Final Inventory and Appraisal filed 11-15-06 indicates a total estate value of \$510,700.00 consisting of real property (two homes) and personal property items.	Minute Order 7-25-14: No appearances. Matter continued to 9-17-14. Sonya Mayo is ordered to be personally present on 9-17-14 if the first account or petition for final distribution has not been filed. A copy of the Minute Order was mailed to Ms. Mayo.
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.	On 12-20-13, the Court set this status hearing for failure to file a petition for final distribution and sent notice to Ms. Mayo.	As of 9-12-14, nothing further has been filed.
Notice of Hrg		Note: The Executor was previously represented by attorney Peter C. Meux, now deceased.
Aff.Mail		
Aff.Pub.	Minute order dated 3/14/14 indicates the examiner notes were provided to Ms. Mayo.	1. Need first account or petition for final distribution or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		Note: On 11-4-08, a Creditor's Claim and Request for Special Notice was filed by the State of California Franchise Tax Board in the amount of \$1,785.22.
		Note: On 5-2-07, Waivers of Accounting from all of the heirs were filed; however, a petition for final distribution on waiver of accounting was never filed.
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 9-12-14
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 15 – Mayo

	GENERAL HEARING 11-10-14	NEEDS/PROBLEMS/COMMENTS:
	PAULA GROVE , Maternal Aunt, is Petitioner.	1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Rodney Marcus (Father) - Leatha Jones (Mother) <u>Note:</u> Petitioner's Declaration of Due Diligence filed 9-5-14 states the father's whereabouts are unknown and the mother resides in Arizona. If diligence is not found, need notice per above.
	VIRGINIA WOODS , Maternal Grandmother, was appointed Guardian on 1-30-12.	
	Note: The current guardian, Ms. Woods, filed a Petition for Termination of Guardianship on 9-5-14 that is set for hearing on 11-10-14 along with Ms. Grove's Petition for Guardianship.	
<input type="checkbox"/>	Aff.Sub.Wit.	
<input checked="" type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg x	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv. x	
<input checked="" type="checkbox"/>	Conf. Screen	
<input checked="" type="checkbox"/>	Letters	
<input checked="" type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input checked="" type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input checked="" type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		Reviewed by: skc Reviewed on: 9-12-14 Updates: Recommendation: File 16 - Jones

Pro Per Wood, Traci Jo (Pro Per Petitioner, paternal aunt)
 Pro Per Carver, Beth Ellen (Pro Per Petitioner, non-relative)

Petition for Appointment of Guardian of the Person (Prob. C. 1510).

Age: 15 years		NO TEMPORARY REQUESTED	NEEDS/PROBLEMS/COMMENTS:	
		<p>TRACI JO WOOD, paternal aunt, and BETH ELLEN CARVER, non-relative, are Petitioners.</p> <p>PAUL FORTIER and SHELLY FORTIER, paternal aunt and her husband, were appointed Successor Co-Guardians of the child through Tulare County Child Welfare Services in 2010.</p> <p>PAUL FORTIER and SHELLY FORTIER <i>consent and waive notice.</i></p> <p>Father: DONALD WOOD; <i>consents and waives notice.</i> Mother: LORI BECK; <i>consents and waives notice.</i></p> <p><i>Minor consents and waives notice.</i></p> <p>Paternal grandfather: Allen Wood; <i>sent notice by mail 8/22/2014.</i> Paternal grandmother: Gwen Wood; <i>sent notice by mail 8/22/2014.</i></p> <p>Maternal grandfather: Unknown Maternal grandmother: Deceased</p> <p>Petitioners state that on 2/17/2006, Petitioner Traci Jo Wood was designated as the legal Guardian of Larry Wood, Sarah Wood and Rebecca Wood (triplets), Tulare County Child Welfare Services, and she remained Guardian until September 2010 when events in Ms. Wood's life forced her to resign as Guardian, though she would have preferred to remain as Guardian;</p> <p align="center"><i>~Please see additional page~</i></p>	<p>1. Proposed ward and his two siblings had been under guardianship with Petitioner TRACI JO WOOD through Tulare County Child Welfare Services from 2006 – 2010. Petitioner states that PAUL FORTIER and SHELLY FORTIER, paternal aunt and her husband, were appointed Successor Co-Guardians in 2010, after the resignation of Petitioner Traci Jo Wood. Pursuant to Probate Code § 2203(b), it appears this guardianship may not be granted until the Petitioners provide evidence to our Court that the guardianship established in Tulare County has been effectively terminated.</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input checked="" type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Aff. Posting			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	Clearances			
<input checked="" type="checkbox"/>	Order			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			<p>Reviewed by: LEG</p> <p>Reviewed on: 9/12/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 - Wood</p>	

Petitioners state, continued:

- The original guardianship was completed in Tulare County due to the fact that the children and their parents were residents of Tulare County;
- However, since Traci was originally awarded guardianship through to the guardianship being shifted to Paul and Shelly Fortier, Larry and his sisters have continually been residents of Fresno County (Kingsburg);
- Concurrent to Traci being named Guardian, the Dependency status of the three children [in Tulare County] was terminated; as such they have not been wards of the Court for some time;
- Larry stated a preference to return to Traci's care, and that of her partner, Co-Petitioner Ellen Carver, as his Guardians, and all family members relevant to Larry's care have deliberated on this issue together and they have determined that they should pursue a change in the guardianship;
- Larry has requested this change, and his parents and the current Guardians (the Fortiers) are in agreement;
- Petitioner Traci Wood received direction from Tulare County staff that since Larry is no longer a dependent of the Court, and he is a resident of Fresno County, the request for guardianship should be submitted to the Fresno County Superior Court due to the fact that jurisdiction over Larry is retained in Fresno where he resides;
- Through Larry's life, they have shared a strong bond of mutual respect, trust and love; they have an continue to provide consistency for him, and share a strong connection with him;
- The current Guardians are struggling with raising 3 teenage triples, and Petitioners' assuming guardianship of Larry would give Larry more individualized attention;
- Larry has thrived with the individual attention he has received this past year living with Petitioners.

Court Investigator Jennifer Young's Report was filed on 9/9/2014.

19 Karla Yamileth Virgen (GUARD/P)

Case No. 14CEPR00635

Atty Lopez, Maurilia Zambrano (Pro Per – Maternal Grandmother – Petitioner)

Atty Virgen, Manuel (Pro Per – Maternal Grandfather – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

			NO TEMP REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
			MAURILIA ZAMBRANO LOPEZ and MANUEL VIRGEN , Maternal Grandparents, are Petitioners.		1. If diligence is not found, need notice to father and paternal grandparents pursuant to Probate Code §1511.	
			Father: UNKNOWN			
			Mother: VIVIANA VIRGEN ZAMBRANO			
			- Personally served 8-23-14			
			- Consents and waives notice			
			Paternal Grandparents: Unknown			
			Petitioners state the mother allowed her boyfriend to move into their home in June 2014, and they informed her that he needed to leave because they do not know him. The mother stated that if he left, she would go with him. Petitioners asked, what about your daughter, and the mother said they could keep her and when she found a place to live she would come get her. Petitioners state the father is unknown. The minor has lived with Petitioners since she was born and has never lived away from them. The mother does not have a stable home and income to support her.			
			Court Investigator Charlotte Bien filed a report on 9-2-14.			
	Aff.Sub.Wit.					
✓	Verified					
	Inventory					
	PTC					
	Not.Cred.					
✓	Notice of Hrg					
	Aff.Mail	x				
	Aff.Pub.					
	Sp.Ntc.					
✓	Pers.Serv.	w				
✓	Conf. Screen					
✓	Letters					
✓	Duties/Supp					
	Objections					
	Video Receipt					
✓	CI Report					
✓	Clearances					
✓	Order					
	Aff. Posting					
	Status Rpt					
✓	UCCJEA					
	Citation					
	FTB Notice					
					Reviewed by: skc	
					Reviewed on: 9-12-14	
					Updates:	
					Recommendation:	
					File 19 - Virgen	

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820, 1821, 2680-2682)

			NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
			MIKE XIONG , Father, is Petitioner and requests appointment as Conservator of the Person with medical consent powers.	<u>Court Investigator advised rights on 8-25-14</u>
			Voting rights affected.	<u>Voting rights affected – need minute order</u>
			A Capacity Declaration was filed on 8-25-14.	
	Aff.Sub.Wit.		Petitioner states the proposed Conservatee has been diagnosed with profound mental retardation with cerebral palsy and epilepsy disorders since birth.	
✓	Verified			
	Inventory		Court Investigator Samantha Henson filed a report on 9-5-14.	
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 9-12-14
				Updates:
				Recommendation:
				File 20 - Xiong

		TEMP GRANTED EX PARTE EXPIRES 9-17-14	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of personal service of Notice of Hearing with a copy of the petition at least five court days prior to the hearing on Proposed Conservatee Kenneth Badiali pursuant to Probate Code §2250(e).
		GENERAL HEARING 10-15-14	
		FRESNO COUNTY PUBLIC GUARDIAN is	
	Aff.Sub.Wit.	Petitioner and requests appointment as	
✓	Verified	Temporary Conservator of the Person	
	Inventory	and Estate.	
	PTC		
	Not.Cred.	Petitioner also requests to suspend all	
✓	Notice of Hrg	powers of attorney. (Note: The order	
	Aff.Mail	signed ex parte on 9-3-14 included	
	Aff.Pub.	suspension of all powers of attorney.)	
	Sp.Ntc.	Estimated value of estate:	
	Pers.Serv.	Personal property: \$5.43	
✓	Conf. Screen	Annual income: \$43,416.36	
✓	Letters	Petitioner states the proposed	
	Duties/Supp	Conservatee is retired and his health has	
	Objections	declined significantly. He has become a	
	Video Receipt	victim of elder abuse. He named a	
✓	CI Report	woman as agent for power of attorney	
	9202	and his pension income is deposited	
✓	Order	directly to her account. She failed to	
	Aff. Posting	pay his mortgage and his house was	
	Status Rpt	foreclosed. He is currently residing in a	
	UCCJEA	care home and has expressed	
	Citation	willingness to be on conservatorship to	
	FTB Notice	get the abuser out of his life so that she	
		is not making decisions for him. The	
		abuser does not give him any funds for	
		personal use. The owner of the care	
		home pays for his haircuts. Temporary	
		conservatorship is needed to protect his	
		assets and make sure that his needs are	
		met.	
		Court Investigator Jennifer Young filed a	
		report on 9-9-14.	
			Reviewed by: skc
			Reviewed on: 9-12-14
			Updates:
			Recommendation:
			File 21 - Badiali